

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

DEL R. GILBERT & SON BLOCK
CO., INC.

v.

CASE NO. 1:08-cv-00504-PB

ALLAN BLOCK CORPORATION

TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

The Court, having considered defendant Allan Block Corporation's ("Allan Block") Motion for Temporary and Preliminary Injunctive Relief, Memorandum of Law in Support thereof, and Declarations submitted therewith, and based upon all the facts and circumstances established through testimony produced during the hearing on the motion, makes the following preliminary findings and rulings which are more fully set out in the transcript of the hearing on the motion:

1. Allan Block and Plaintiff Del R. Gilbert & Son Block Co., Inc. ("Gilbert Block") are parties to a Production Agreement that contains a non-compete clause (the "Non-Compete"). The Non-Compete forbids Gilbert Block from manufacturing or selling any mortarless, stackable, block retaining wall system other than Allan Block products until December 18, 2010.

2. Gilbert Block has recently commenced the manufacture and sale of EverLoc, which is a mortarless, stackable, block

retaining wall system. Gilbert Block's manufacture and sale of the EverLoc is a violation of the Non-Compete.

3. Allan Block has demonstrated that it is likely to succeed on the merits by showing that Gilbert Block is breaching the Production Agreement by manufacturing and selling EverLoc, a mortarless, stackable, block retaining wall system, during the term of the Non-Compete.

4. In the absence of injunctive relief, Allan Block will suffer irreparable harm as set forth in the Declarations and testimony of Robert Gravier and Michael Day.

5. The balance of hardships between the parties favors injunctive relief.

6. A grant of Injunctive relief would not affect the public interest.

Based upon the forgoing preliminary findings, the Court hereby orders as follows:

Gilbert Block, together with its officers, agents, employees, and any person(s) acting in concert or participation with Gilbert Block, are hereby enjoined from manufacturing, selling, or offering for sale the EverLoc product until December 18, 2010 or until further order of the Court.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

August 16, 2010

cc: Counsel of Record